



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD DEEDS,

Plaintiff,

v.

JIM BENEDETTI, et al.,

Defendants.

03:06-CV-00282-LRH-VPC

ORDER

Presently before the court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (# 49¹) entered on July 26, 2007, recommending that Defendants' Motion to Dismiss (# 21) be granted in part and denied in part. Plaintiff filed his Objections to Report and Recommendation (# 51) on August 8, 2007, to which Defendants subsequently responded (# 52).

The court has conducted a *de novo* review and has fully considered the objections of Plaintiff, the pleadings and memoranda of the parties, and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1) and Local Rule IB 3-2. As a result of this review, the court determines that the Magistrate Judge's Report and Recommendation (# 49) should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (# 49) is ADOPTED and ACCEPTED. Defendant's Motion to Dismiss (# 21) is

¹Refers to the court's docket number.

1 hereby GRANTED in part and DENIED in part. Defendants' motion is granted as to count II and
2 denied as to count 1.

3 IT IS SO ORDERED.

4 DATED this 26th day of September, 2007.

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8 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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